

62D CONGRESS,
2D SESSION.

Calendar No. 577.
S. 6412.

IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1912.

Mr. BOURNE, from the Committee on Commerce, reported the following bill;
which was read twice and placed on the calendar.

A BILL

To regulate radio communication.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That a person, company, or corporation within the jurisdic-
4 tion of the United States shall not use or operate any appa-
5 ratus for radio communication as a means of commercial
6 intercourse among the several States, or with foreign nations,
7 or upon any vessel of the United States engaged in inter-
8 state or foreign commerce, or for the receipt or transmission
9 of radiograms or signals the effect of which extends beyond
10 the exclusive jurisdiction of the State or Territory in which

1 the same are made, or where interference would be caused
2 thereby with the receipt of messages or signals from beyond
3 the jurisdiction of the said State or Territory, except under
4 and in accordance with a license, revocable for cause, in
5 that behalf granted by the Secretary of Commerce and Labor
6 upon application therefor; but nothing in this Act shall be
7 construed to apply to the transmission and exchange of radio-
8 grams or signals between points situated in the same State:
9 *Provided*, That the effect thereof shall not extend beyond
10 the jurisdiction of the said State or interfere with the re-
11 ception of radiograms or signals from beyond said jurisdic-
12 tion; and a license shall not be required for the transmission
13 or exchange of radiograms or signals by or on behalf of the
14 Government of the United States, but every Government sta-
15 tion on land or sea shall have special call letters designated
16 and published in the list of radio stations of the United States
17 by the Department of Commerce and Labor. Any person,
18 company, or corporation that shall use or operate any ap-
19 paratus for radio communication in violation of this section,
20 or knowingly aid or abet another person, company, or cor-
21 poration in so doing, shall be deemed guilty of a misde-
22 meanor, and on conviction thereof shall be punished by a fine
23 not exceeding five hundred dollars, and the apparatus or de-
24 vice so unlawfully used and operated may be adjudged for-
25 feited to the United States.

1 SEC. 2. That every such license shall be in such form as
2 the Secretary of Commerce and Labor shall determine and
3 shall contain the restrictions, pursuant to this Act, on and
4 subject to which the license is granted; that every such
5 license shall be issued only to citizens of the United States or
6 to a company incorporated under the laws of some State of
7 the United States, and shall specify the ownership and loca-
8 tion of the station in which said apparatus shall be used and
9 other particulars for its identification and to enable its range
10 to be estimated; shall state the purpose of the station, and, in
11 case of a station in actual operation at the date of passage of
12 this Act, shall contain the statement that satisfactory proof
13 has been furnished that it was actually operating on the
14 above-mentioned date; shall state the wave length or the
15 wave lengths authorized for use by the station for the preven-
16 tion of interference and the hours for which the station is
17 licensed for work; and shall not be construed to authorize the
18 use of any apparatus for radio communication in any other
19 station than that specified. Every such license shall be sub-
20 ject to the regulations contained herein and such regulations
21 as may be established from time to time by authority of this
22 Act or subsequent Acts and treaties of the United States.
23 Every such license shall provide that the President of the
24 United States in time of war or public peril may cause the
25 closing of any station for radio communication and the re-

1 removal therefrom of all radio apparatus, or may authorize the
2 use or control of any such station or apparatus by any depart-
3 ment of the Government, upon just compensation to the
4 owners.

5 SEC. 3. That every such apparatus shall at all times
6 while in use and operation as aforesaid be in charge of under
7 the supervision of a person or persons licensed for ~~that~~ pur-
8 pose by the Secretary of Commerce and Labor. Every
9 person so licensed for the operation of any radio apparatus
10 on shore shall be a citizen of the United States. Every
11 person so licensed who in the operation of any radio appa-
12 ratus shall fail to observe and obey regulations contained in
13 or made pursuant to this Act or subsequent Acts or treaties
14 of the United States, or any one of them, in addition to
15 the punishments and penalties herein prescribed, upon con-
16 viction shall suffer the suspension of the said license, and
17 the same shall not be renewed for a period of one year from
18 and after the date of his conviction of any such failure. It
19 shall be unlawful to employ any unlicensed person or for any
20 unlicensed person to serve in charge of the use and operation
21 of such apparatus, and any person violating this provision
22 shall be guilty of a misdemeanor, and on conviction thereof
23 shall be punished by a fine of not more than one hundred
24 dollars or imprisonment for not more than two months, or
25 both, in the discretion of the court, for each and every such

1 offense: *Provided*, That in case of emergency the Secretary
2 of Commerce and Labor may authorize a collector of customs
3 to issue a temporary permit, in lieu of a license, to the oper-
4 ator on a vessel subject to the radio ship Act of June twenty-
5 fourth, nineteen hundred and ten.

6 SEC. 4. That for the purpose of preventing or minimiz-
7 ing interference with communication between stations in
8 which such apparatus is operated, to facilitate radio com-
9 munication, and to further the prompt receipt of distress
10 signals, said private and commercial stations shall be subject
11 to the regulations of this section. These regulations shall be
12 enforced by the Secretary of Commerce and Labor through
13 the collectors of customs and other officers of the Govern-
14 ment as other regulations herein provided for.

15 The Secretary of Commerce and Labor may, in his
16 discretion, waive the provisions of any or all of these regula-
17 tions when no interference of the character above mentioned
18 can ensue.

19 The Secretary of Commerce and Labor may grant
20 special temporary licenses to stations actually engaged in
21 conducting experiments for the development of the science
22 of radio communication, or the apparatus pertaining thereto,
23 to carry on special tests, using any amount of power or any
24 wave lengths, at such hours and under such conditions as
25 will insure the least interference with the sending or receipt

1 of commercial or Government radiograms, of distress signals
2 and radiograms, or with the work of other stations.

3 In these regulations the naval and military stations
4 shall be understood to be stations on land.

5 REGULATIONS.

6 NORMAL WAVE LENGTH.

7 First. Every station shall be required to designate a
8 certain definite wave length as the normal sending and re-
9 ceiving wave length of the station. This wave length shall
10 not exceed six hundred meters or it shall exceed one thousand
11 six hundred meters.

12 OTHER WAVE LENGTHS.

13 Second. In addition to the normal sending wave length
14 all stations, except as provided hereinafter in these regula-
15 tions, may use other sending wave lengths: *Provided*, That
16 they do not exceed six hundred meters or that they do exceed
17 one thousand six hundred meters: *Provided further*, That
18 the character of the waves emitted conforms to the require-
19 ments of regulations third and fourth following.

20 USE OF A "PURE WAVE."

21 Third. At all stations if the sending apparatus, to be
22 referred to hereinafter as the "transmitter," is of such a char-
23 acter that the energy is radiated in two or more wave lengths,
24 more or less sharply defined, as indicated by a sensitive wave

1 meter, the energy in no one of the lesser waves shall exceed
2 ten per centum of that in the greatest.

3 USE OF A "SHARP WAVE."

4 Fourth. At all stations the logarithmic decrement per
5 complete oscillation in the wave trains emitted by the trans-
6 mitter shall not exceed two-tenths, except when sending dis-
7 tress signals or signals and messages relating thereto.

8 USE OF "STANDARD DISTRESS WAVE."

9 Fifth. For the purpose of sending signals of distress
10 every station on shipboard shall be so adjusted, except on
11 vessels of small tonnage unable to have plants insuring that
12 wave length, as to permit these signals to be sent with a
13 wave length of approximately three hundred meters.

14 SIGNAL OF DISTRESS.

15 Sixth. The distress call used shall be the international
16 signal of distress . . . — — — . . .

17 USE OF "BROAD INTERFERING WAVE" FOR DISTRESS

18 SIGNALS.

19 Seventh. When sending distress signals, the transmitter
20 of a station on shipboard may be tuned in such a manner as
21 to create a maximum of interference with a maximum of
22 radiation.

23 DISTANCE REQUIREMENT FOR DISTRESS SIGNALS.

24 Eighth. Every station on shipboard, wherever practi-
25 cable, shall be prepared to send distress signals of the char-

1 acter specified in regulations fifth and sixth with sufficient
2 power to enable them to be received by day over sea a dis-
3 tance of one hundred nautical miles by a shipboard station
4 equipped with apparatus for both sending and receiving
5 equal in all essential particulars to that of the station first
6 mentioned.

7 "RIGHT OF WAY" FOR DISTRESS SIGNALS.

8 Ninth. All stations are required to give absolute prior-
9 ity to signals and radiograms relating to ships in distress;
10 to cease all sending on hearing a distress signal; and, except
11 when engaged in answering or aiding the ship in distress,
12 to refrain from sending until all signals and radiograms
13 relating thereto are completed.

14 REDUCED POWER FOR SHIPS NEAR A GOVERNMENT
15 STATION.

16 Tenth. No station on shipboard, when within fifteen
17 nautical miles of a naval or military station, shall use a trans-
18 former input exceeding one kilowatt, nor, when within five
19 nautical miles of such a station, a transformer input exceed-
20 ing one-half kilowatt, except for sending signals of distress,
21 or signals or radiograms relating thereto.

22 INTERCOMMUNICATION.

23 Eleventh. Each shore station open to general public
24 service between the coast and vessels at sea shall be bound
25 to exchange radiograms with any similar shore station and
26 with any ship station without distinction of the radio sys-

1 tems adopted by such stations, respectively, and each station
2 on shipboard shall be bound to exchange radiograms with
3 any other station on shipboard without distinction of the
4 radio systems adopted by each station, respectively.

5 DIVISION OF TIME.

6 Twelfth. At important seaports and at all other places
7 where naval or military and private or commercial shore
8 stations operate in such close proximity that interference
9 with the work of naval and military stations can not be
10 avoided by the enforcement of the regulations contained in
11 the foregoing regulations concerning wave lengths and char-
12 acter of signals emitted, such private or commercial shore
13 stations as do interfere with the reception of signals by the
14 naval and military stations concerned shall not use their
15 transmitters during the first fifteen minutes of each hour,
16 local standard time. The Secretary of Commerce and Labor
17 may, on the recommendation of the department concerned,
18 designate the station or stations which may be required to
19 observe this division of time.

20 GOVERNMENT STATIONS TO OBSERVE DIVISIONS OF TIME.

21 Thirteenth. The naval or military stations for which
22 the above-mentioned division of time may be established
23 shall transmit signals or radiograms only during the first
24 fifteen minutes of each hour, local standard time, except in

1 case of signals or radiograms relating to vessels in distress,
2 as hereinbefore provided.

3 USE OF UNNECESSARY POWER.

4 Fourteenth. In all circumstances, except in case of
5 signals or radiograms relating to vessels in distress, all sta-
6 tions shall use the minimum amount of energy necessary to
7 carry out any communication desired.

8 GENERAL RESTRICTIONS ON PRIVATE STATIONS.

9 Fifteenth. No private or commercial station not en-
10 gaged in the transaction of bona fide commercial business
11 by radio communication or in experimentation in connec-
12 tion with the development and manufacture of radio appa-
13 ratus for commercial purposes at the date of passage of this
14 Act, shall use a transmitting wave length exceeding two
15 hundred meters, or a transformer input exceeding one kilo-
16 watt, except by special authority of the Secretary of Com-
17 merce and Labor contained in the license of the station.

18 SPECIAL RESTRICTIONS IN THE VICINITIES OF GOVERN-
19 MENT STATIONS.

20 Sixteenth. No station of the character mentioned in
21 regulation fifteenth situated within five nautical miles of
22 a naval or military station shall use a transmitting wave
23 length exceeding two hundred meters or a transformer input
24 exceeding one-half kilowatt.

1 SHIP STATIONS TO COMMUNICATE WITH NEAREST SHORE
2 STATIONS.

3 Seventeenth. In general, the shipboard stations shall
4 transmit their radiograms to the nearest shore station. A
5 sender on board a vessel shall, however, have the right to
6 designate the shore station through which he desires to
7 have his radiograms transmitted. The station on shipboard
8 shall then wait until such shore station shall be the nearest.
9 If this can not be done, the wishes of the sender are to be
10 complied with only if the transmission can be effected with-
11 out interfering with the service of other stations.

12 LIMITATIONS FOR FUTURE INSTALLATIONS IN VICINITIES
13 OF GOVERNMENT STATIONS.

14 Eighteenth. No station on shore not in actual opera-
15 tion at the date of the passage of this Act shall be licensed
16 for the transaction of commercial business by radio com-
17 munication within fifteen nautical miles of the following
18 naval or military stations, to wit: Arlington, Virginia; Key
19 West, Florida; San Juan, Porto Rico; North Head and
20 Tatoosh Island, Washington; San Diego, California; and
21 those established or which may be established in Alaska and
22 in the Canal Zone; and the head of the department having
23 control of such Government stations shall, so far as is con-
24 sistent with the transaction of governmental business, arrange
25 for the transmission and receipt of commercial radiograms

1 under the provisions of the Berlin convention of nineteen
2 hundred and six and future international conventions or
3 treaties to which the United States may be a party, at each
4 of the stations above referred to, and shall fix the rates there-
5 for, subject to control of such rates by Congress. At such
6 stations and wherever and whenever shore stations open for
7 general public business between the coast and vessels at sea
8 under the provisions of the Berlin convention of nineteen
9 hundred and six and future international conventions and
10 treaties to which the United States may be a party shall not
11 be so established as to insure a constant service day and
12 night without interruption, and in all localities wherever or
13 whenever such service shall not be maintained by a commer-
14 cial shore station within one hundred nautical miles of a
15 naval radio station, the Secretary of the Navy shall, so far as
16 is consistent with the transaction of governmental business,
17 open naval radio stations to the general public business de-
18 scribed above, and shall fix rates for such service, subject to
19 control of such rates by Congress. The receipts from such
20 radiograms shall be covered into the Treasury as miscella-
21 neous receipts.

SECRECY OF MESSAGES.

Nineteenth. Every operator shall be obligated in his license to preserve, and shall preserve faithfully, the secrecy of radiograms which he may receive or transmit; and for

1 failure to preserve such secrecy his license may be revoked
2 by the Secretary of Commerce and Labor.

3 PENALTIES.

4 For violation of any of these regulations, subject to
5 which a license under sections one and two of this Act may
6 be issued, the owner of the apparatus shall be liable to a pen-
7 alty of one hundred dollars, which may be reduced or re-
8 mitted by the Secretary of Commerce and Labor, and for
9 repeated violations of any of such regulations, which shall
10 be deemed a misdemeanor, the license may be revoked.

11 For violation of any of these regulations, subject to
12 which a license under section three of this Act may be issued,
13 the operator shall be subject to a penalty of twenty-five dol-
14 lars, which may be reduced or remitted by the Secretary of
15 Commerce and Labor, and for repeated violations of any
16 such regulations, which shall be deemed a misdemeanor, the
17 license may be suspended.

18 SEC. 5. That every license granted under the provisions
19 of this Act for the operation or use of apparatus for radio
20 communication shall prescribe that the operator thereof shall
21 not willfully or maliciously interfere with any other radio
22 communication. Such interference shall be deemed a mis-
23 demeanor, and upon conviction thereof the owner or op-
24 erator, or both, shall be punishable by a fine of not to exceed

1 five hundred dollars or imprisonment for not to exceed one
2 year, or both.

3 SEC. 6. That the expression "radio communication"
4 as used in this Act means any system of electrical communi-
5 cation by telegraphy or telephony without the aid of any
6 wire connecting the points from and at which the radiograms,
7 signals, or other communications are sent or received.

8 SEC. 7. That a person, company, or corporation within
9 the jurisdiction of the United States shall not know-
10 ingly utter or transmit, or cause to be uttered or transmitted,
11 any false or fraudulent distress signal or call or false or
12 fraudulent signal, call, or radiogram of any kind. The
13 penalty for so uttering or transmitting a false or fraudulent
14 distress signal or call shall be a fine of not more than two
15 thousand five hundred dollars or imprisonment for not more
16 than five years, or both, in the discretion of the court, for
17 each and every such offense, and the penalty for so uttering
18 or transmitting, or causing to be uttered or transmitted, any
19 other false or fraudulent signal, call, or radiogram shall be
20 a fine of not more than one thousand dollars or imprison-
21 ment for not more than two years, or both, in the discretion
22 of the court, for each and every such offense.

23 SEC. 8. That a person, company, or corporation shall
24 not use or operate any apparatus for radio communication
25 on a foreign ship in territorial waters of the United States

1 otherwise than in accordance with the provisions of sections
2 four and seven of this Act and so much of section five as
3 imposes a penalty for interference. Save as aforesaid, noth-
4 ing in this Act shall apply to apparatus for radio communica-
5 tion on any foreign ship.

6 SEC. 9. That the trial of any offense under this Act
7 shall be in the district in which it is committed or in any
8 district in which the offender may be found, or if the offense
9 is committed upon the high seas or out of the jurisdiction
10 of any particular State or district the trial shall be in the
11 district where the offender may be found or into which he
12 shall be first brought.

13 SEC. 10. That this Act shall take effect and be in force
14 on and after ninety days from its passage.

CALENDAR NO. 577.

62D CONGRESS, }
2D SESSION.

S. 6412.

A BILL

To regulate radio communication.

By Mr. BOURNE.

APRIL 19, 1912.—Read twice and placed on the calendar.